3743

PTC/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Application No. 09/607,871 RANSMITTAL FORM Filing Date June 30, 2000 (to be used for all correspondence after initial filing) First Named Inventor Borys S. Senyk Group Art Unit 3743 **Examiner Name** McKinnon, Terrell L. Total Number of Pages in This Submission Attorney Docket Number 42390P8695 **ENCLOSURES** (check all that apply) After Allowance Communication Assignment Papers (for an Application) to Group Fee Transmittal Form Appeal Communication to Board of Appeals and Interferences Fee Attached Drawing(s) Appeal Communication to Group Amendment / Response Licensing-related Papers (Appeal Notice, Brief, Reply Brief) After Final Petition Proprietary Information Affidavits/declaration(s) Petition to Convert a Provisional Application Status Letter Extension of Time Request Other Enclosure(s) Power of Attorney, Revocation . Change of Correspondence Address (please identify below): Express Abandonment Request Terminal Disclaimer Return receipt postcards Information Disclosure Statement Certified Copy of Priority Document(s) Request for Refund . Response to Missing Parts/ Incomplete Application CD, Number of CD(s) RECEIVED Remarks Response to Missing Parts under 37 CFR 1.52 or 1.53 DEC 0 2 2002 TECHNOLOGY CENTER R3700 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm William E. Hickman, Reg. No. 46,771 Individual name BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Signature Mm Date 20/02 **CERTIFICATE OF MAILING/TRANSMISSION** I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail with sufficient postage in an envelope addressed to: Box Non-Fee Amendment, Assistant Commissioner for Patents, Washington, D.C. 20231 on:

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Typed or printed name

Signature

**Nedy Calderon** 

November 20, 2002

November 20, 2002

Date

PTO/SB/17 (10-02)
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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| FEE TRANSMITTAL for FY 2003              |                | Complete if Known    |                      |  |  |  |
|--|----------------|----------------------|----------------------|--|--|--|
| FED KANSIVI                              | IIAL           | Application Number   | 09/607,871           |  |  |  |
| tor FY 200                               | 3              | Filing Date          | June 30, 2000        |  |  |  |
| Patent fees are subject to annual re     | vision.        | First Named Inventor | Borys S. Senyk       |  |  |  |
| Applicant claims small entity status. Se | e 37 CFR 1.27. | Examiner Name        | McKinnon, Terrell L. |  |  |  |
|  | ı              | Group/Art Unit       | 3743                 |  |  |  |
| TOTAL AMOUNT OF PAYMENT                  | (\$) 0.00      | Attomey Docket No.   | 42390P8695           |  |  |  |

|  |                             | <u> </u>                                     |              |            |   |                    |                         |             |
|--|-----------------------------|--|--------------|------------|---|--------------------|-------------------------|-------------|
| METHOD OF PAYMENT (check one)  | FEE CALCULATION (continued) |  |              |            |   |                    |                         |             |
| Charles Conditioned Money Cothor Miles   | 3. ADDITIONAL FEES          |  |              |            |   |                    |                         |             |
| Credit Card Corder Couler Market   | Lame                        | Laura Entite Caroli Entite                   |              |            |   |                    |                         |             |
| Deposit Account  |                             | Large Entity   Small Entity  Fee Fee Fee Fee |              |            |   |                    |                         |             |
| Deposit  | Code                        | (\$)   | Code         | (\$)       | Fe  | e Description      |                         | FeePaid     |
| Account<br>Number 02-2666  |                             | 1051 130                                     |              | 65         | Surcharge - late filing                                   | •                  |                         |             |
|  |                             | 50   | 2051<br>2052 | 25         | Surcharge - late provi                                    |                    |                         |             |
| Deposit<br>Account<br>Name Blakely, Sokoloff, Taylor & Zafman LLP                |                             |  | 1            |            | cover sheet.  |                    |                         |             |
| Name Blakely, Sokololi, Taylol & Zalillali LLF                                   |                             | 130  | 2053         | 130        | Non-English specification                                 |                    |                         |             |
| The Commissioner is authorized to: ( check all that apply)                       |                             | 2,520  | 1812         | 2,520      | For filing a request for ex parte reexamination           |                    |                         | i           |
| ☐ Charge fee(s) indicated below ☐ Credit any overpayments                        |                             | 920 *  | 1804         | 920 '      | Requesting publication of SIR prior to<br>Examiner action |                    |                         |             |
| Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20. | 1805                        | 1,840 *                                      | 1805         | 1,840 *    | Requesting publication of SIR after                       |                    |                         | <u> </u>    |
| Charge fee(s) indicated below, except for the filing fee                         |                             | ,,,,,,,                                      | 1000         | .,         | Examiner action   |                    |                         |             |
| to the above-identified deposit account  | 1251                        | 110  | 2251         | 55         | Extension for reply wi                                    | thin first month   |                         | . []        |
| FEE CALCULATION  | 1252                        | 400  | 2252         | 200        | Extension for reply wit                                   | hin second month   |                         |             |
| 1. BASIC FILING FEE  | 1253                        | 920  | 2253         | 460        | Extension for reply with                                  | hin third month    |                         |             |
| Large Ervity   Small Entity  | 1254                        | 1,440  | 2254         | 720        | Extension for reply wi                                    | thin fourth month  |                         |             |
| Fee Fee Fee Fee Fee Description FeePaid  | 1255                        | 1,960  | 2255         | 980        | Extension for reply wi                                    | thin fifth month   |                         |             |
| Code (\$)  | 1404                        | 320  | 2401         | 160        | Notice of Appeal  |                    |                         |             |
| 1001 7,40 2001 370 Utility filing fee  | 1402                        | 320  | 2402         | 160        | Filing a brief in support of an appeal                    |                    |                         | ,           |
| 1002 330 2002 165 Design filing fee  | 1403                        | 280  | 2403         | 140        | Request for oral hearing                                  |                    |                         |             |
| 1003 510 2003 255 Plant filing fee   | 1451                        | 1,510  | 2451         | 1,510      | Petition to institute a public use proceeding             |                    |                         | <b>b</b> 7  |
| 1004 740 2004 370 Reissue filing fee   |                             | 110  |              | 55         | Petition to revive - unavoidable                          |                    |                         |             |
| 1005 160 2005 80 Provisional filing fee  | 1452                        |  | 2452         | 640        | Petition to revive - unintentional                        |                    |                         |             |
| SUBTOTAL (1) (\$)  | 1453<br>1501                | 1,280  | 2453         |            |   |                    | 6                       | 2 1         |
|  |                             | 1,280<br>460                                 | 2501<br>2502 | 640<br>230 | Utility issue fee (or rei<br>Design issue fee             | ssue)              | 9                       |             |
| 2. EXTRA CLAIM FEES Extra Fee from Claims below FeePaid                          | 1502<br>1503                | 620  | 2503         | 310        | Plant issue fee   |                    | 邑                       |             |
| Total Claims 20° 0 × 19.00 = \$0.00  | 1460                        | 130  | 2460         | 130        | Petitions to the Comm                                     | oissioner.         | TECHNOLOGY CENTER R3700 |             |
| Independent ====================================                                 | 1807                        | 50   | 1807         | 50         | Prosessing fee under                                      |                    |                         |             |
| Claims 3 0 X 84.00 = \$0.00  Multiple Dependent                                  |                             |  |              |            |   |                    |                         |             |
| · · ·  | 1806                        | 180  | 1806         | 180        | Submission of Inform                                      |                    | iii.                    |             |
| Large Entity   Small Entity  | 8021                        | 40   | 8021         | 40         | Recording each paten<br>property (times numb              |                    |                         |             |
| Fee Fee Fee Fee <u>Fee Description</u> Code (\$) Code (\$)                       | 1809                        | 740  | 1809         | 370        | Filing a submission aff                                   | er final rejection |                         |             |
| 1202 18 2202 9 Claims in excess of 20  | 1003                        | 7.0  | 1005         |            | (37 ČFR § 1.129(a))                                       | •                  |                         |             |
| 1201 84 2201 42 Independent claims in excess of 3                                | 1810                        | 740  | 2810         | 370        | For each additional inv                                   |                    |                         |             |
| 1203 280 2203 140 Multiple Dependent claim, if not paid                          | 1                           | •  |              |            | examined (37 CFR § 1                                      |                    |                         |             |
| 1204 84 2204 42 **Reissue independent claims over original                       | 1801                        | 740  | 2801         | 370        | Request for Continued                                     | •                  | )                       |             |
| patent   | 1802                        | 900  | 1802         | 900        | Request for expedited<br>of a design application          | examination        |                         |             |
| 1205 18 2205 9 **Reissue claims in excess of 20 and over<br>original patent      | Other fe                    | e (specify)                                  |              |            |   |                    |                         |             |
| •  | Culei le                    | o (specify)                                  |              |            |   |                    |                         | إلــــا     |
| SUBTOTAL (2) (\$) 0.00   | * Reduce                    | d by Basic Fi                                | iling Fee    | Paid       | :   | SUBTOTAL (3)       | (\$)                    | <del></del> |
| **or number previously paid, if greater, For Reissues, see below                 |                             | <u> 6 – ,</u>                                |              |            |   |                    |                         |             |
| SUBMITTED BY Complete (if applicable)  |                             |  |              |            |   |                    | olicable)               |             |
| Name (Print/Type) William E. Hickman   |                             | egistratio                                   |              | 1          | 6,771   | Telephone          | (310)                   | 207-3800    |
|  | (A                          | ttomey/Age                                   | nt)          |            | 10,771  | 5.54               |                         |             |
| Signature Willer & Bush  |                             |  |              |            |   | Date               | 11120                   | 0/07        |

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Attorney's Docket No.: 042390P8695

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Borys S. Senyk, et al.

Serial No.: 09/607,871

Filed: June 30, 2000

For: A METHOD AND APPARATUS FOR

**COOLING A COMPUTER** 

Examiner: McKinnon, Terrell L.

Art Group: 3743

## AMENDMENT AND RESPONSE TO OFFICE ACTION RECEIVED

Box Amendment – Non-Fee Assistant Commissioner for Patents V√ashington, D.C. 20231 DEC 0 2 2002 TECHNOLOGY CENTER R3700

Sir:

In response to the Office Action mailed November 6, 2002, Applicants respectfully request consideration of the remarks which follow.

## **REMARKS**

In the Office Action mailed November 6, 2002, the Examiner rejected Claims 1-6, 8-16, 18-25, 27-28, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Ohashi et al. (U.S. Patent No. 5,764,483) ("Ohashi") in view of Moulene et al (U.S. Patent No. 5,034,688) ("Moulene"). Applicants respectfully traverse the rejection.

In order to render a claim obvious, the relied upon references must teach or suggest every limitation of the claims such that the invention as a whole would have been obvious at the time the invention was made to one skilled in the art. In addition, in order for the Examiner to establish a *prima facie* case of obviousness, the prior art reference or references must teach or suggest all of the claim limitations. The teaching